

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
WRC-03 Omnibus)	ET Docket No. 04-139
Amendment of Parts 2, 25, and 73)	
Of the Commission's Rules)	

To: The Commission

**REPLY COMMENTS OF ARRL, THE NATIONAL ASSOCIATION
FOR AMATEUR RADIO**

ARRL, the National Association for Amateur Radio, also known as the American Radio Relay League, Incorporated (ARRL), by counsel, hereby respectfully submits its reply comments in this proceeding pursuant to the *Notice of Proposed Rule Making* (the Notice), FCC 04-74, 69 Fed. Reg. 33698, released by the Commission March 29, 2004. The Notice proposes to amend the Commission's Table of Allocations (47 C.F.R. § 2.106), and certain service rules, in order to implement domestically the allocation decisions from the World Radiocommunication Conference (Geneva, 2003) referred to as WRC-03, concerning the frequency bands between 5900 kHz and 27.5 GHz, and to otherwise update its rules in this frequency range. In the interests of the Amateur Radio Service, ARRL states as follows:

1. As ARRL stated in its initial comments, its principal interest in this proceeding is with respect to the so-called "7 MHz Realignment," pursuant to which allocations in the bands around 7 MHz in various services were to some extent harmonized at WRC-03. Specifically with respect to the Amateur Service, the WRC-03 Final Acts (*Radiocommunication Conference Final Acts, Geneva, 2003*) allocated the band 7100-

7200 kHz to the Amateur Service in Regions 1 and 3 effective March 29, 2009. The timely implementation of this international harmonization in the band 7100-7200 kHz is an extremely urgent matter in the Amateur Service. No comments in this proceeding addressed this issue other than those of ARRL, and there is no opposition in the record to early access to 7100-7200 kHz in Regions 1 and 3. ARRL reiterates its strong support for secondary access to that band segment prior to 2009 for radio amateurs in areas regulated by the Commission in Regions 1 and 3. It is urged that such be provided for in any Order adopted in this proceeding.

2. At paragraph 22 of the Notice, the Commission tentatively proposes to limit any secondary Earth exploration-satellite service (EESS) (active) allocation in the band 432-438 MHz to Federal Government use, and to require that such an allocation should not cause harmful interference to, nor claim protection from, any other services allocated in the band in the United States, including the Amateur-Satellite service. The Notice proposes the adoption of a new United States footnote (USzzz), which would permit NASA to perform limited pre-operational testing of its systems within line-of-sight of its United States control stations, provided that it does not cause harmful interference to the radiolocation, Amateur, or Amateur-Satellite services in the United States. ARRL supports this proposed footnote. It is noteworthy that the footnote was suggested initially in a letter from the National Telecommunications and Information Administration (NTIA) to the Office of Engineering and Technology dated February 20, 2004, a copy of which has been placed in the record in this proceeding. The suggested footnote was premised on the fact that Recommendation ITU-R SA.1260-1 effectively limits the operational use of 432-438 MHz EESS to areas outside the United States. NTIA also

affirmed that the United States opposed the EESS (active) allocation at WRC-03, though the secondary international allocation was ultimately adopted, subject to the provisions of Recommendation ITU-R SA.1260-1. NTIA indicated that NASA has expressed interest in limited, pre-operational testing of its systems within line-of-sight of its U.S. control stations, but assumed that this short duration, pre-operational testing will be of minimal impact to other services.

3. ARRL and NASA enjoy a positive working relationship that will allow coordination of any EESS (active) testing without interference to ongoing Amateur operations in the band 432-438 MHz. NASA is believed to be aware of the extensive use of the 432 MHz band for Amateur terrestrial weak-signal communications, and for propagation beacons. Amateur-Satellite operation is constant in the 435-438 MHz band, and there are auxiliary links in the 433-435 MHz band. ARRL is confident that it will be able to work with NASA to accommodate its needs while avoiding interference to ongoing Amateur operations in the 432-438 MHz band.

Therefore, ARRL again respectfully requests that the Commission reconsider its assumptions about the practicalities of Amateur use of the 7100-7200 kHz band between now and March 29, 2009 in Regions 1 and 3, and permit Amateurs in those regions to make use of the 7100-7200 kHz band immediately. Further, ARRL respectfully requests that the Commission adopt the proposed footnote USzzz relative to

EESS (active) secondary operation in the band 432-438 MHz as proposed by NASA and as indicated at paragraph 22 of the Notice.

Respectfully submitted,

**ARRL, THE NATIONAL ASSOCIATION
FOR AMATEUR RADIO**

225 Main Street
Newington, CT 06111-1494

By: Christopher D.
Imlay
Christopher D. Imlay
Its General Counsel

BOOTH, FRERET, IMLAY & TEPPER, P.C.
14356 Cape May Road
Silver Spring, MD 20904-6011
(301) 384-5525

August 2, 2004